

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Stipulated Settlement  
and Disciplinary Order Against:

**LANETTE BOOK BURKE**  
**a.k.a. LANETTE ELAINE SCHWEIZER**  
**a.k.a. LANETTE ELAINE BAUER**  
**25157 Howard Drive**  
**Hemet, CA 92544**

Registered Nurse License No. **148400**

Respondent

Case No. 2012-240  
OAH No. 2011110406

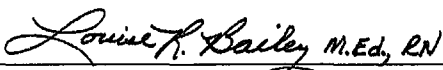
**STIPULATED SURRENDER  
OF LICENSE AND ORDER**

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

IT IS SO ORDERED **February 21, 2013.**

This Decision shall become effective on **February 21, 2013.**

  
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Louise R. Bailey, M.ED., R.N. Executive Officer  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Stipulated Settlement and  
Disciplinary Order Against:

Case No. 2012-240  
OAH No. 2011110406

LANETTE BOOK BURKE  
aka LANETTE ELAINE SCHWEIZER  
aka LANETTE ELAINE BAUER  
25157 Howard Drive  
Hemet, CA 92544

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

Registered Nurse License No. 148400

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties that  
the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer of  
the Board of Registered Nursing, who brought this action solely in her official capacity.
2. Lanette Book Burke, aka Lanette Elaine Schweizer, aka Lanette Elaine  
Bauer (Respondent) is representing herself in this proceeding and has chosen not to exercise her  
right to be represented by counsel.
3. On or about October 30, 1963, the Board issued Registered Nurse License  
No. 148400 to Lanette Book Burke, aka Lanette Elaine Schweizer, aka Lanette Elaine Bauer.  
The Registered Nurse License was in full force and effect at all times relevant to the charges  
brought in Accusation No. 2012-240, and will expire on November 30, 2013, unless renewed.

JURISDICTION

4. On December 5, 2012, the Board of Registered Nursing adopted Stipulated  
Settlement and Disciplinary Order No. 2012-240, which became effective on January 4, 2013.  
The Stipulated Settlement and Disciplinary Order require, inter alia, the respondent to serve a 3-  
year probation term that includes Probation Conditions # 1-14. The Stipulated Settlement and  
Disciplinary Order is attached as exhibit A and incorporated herein by reference.

5. At all times after the effective date of Respondent's probation, Condition 13 states,

1       **"License Surrender.** During Respondent's term of probation, if she  
2       ceases practicing due to retirement, health reasons or is otherwise  
3       unable to satisfy the conditions of probation, Respondent may surrender  
4       her license to the Board. The Board reserves the right to evaluate  
5       Respondent's request and to exercise its discretion whether to grant the  
6       request, or to take any other action deemed appropriate and reasonable  
7       under the circumstances, without further hearing. Upon formal  
8       acceptance of the tendered license and wall certificate, Respondent will  
9       no longer be subject to the conditions of probation.

10       Surrender of Respondent's license shall be considered a disciplinary action and  
11       shall become a part of Respondent's license history with the Board. A registered  
12       nurse whose license has been surrendered may petition the Board for reinstatement  
13       no sooner than the following minimum periods from the effective date of the  
14       disciplinary decision:

- 15       (1) Two years for reinstatement of a license that was surrendered for any reason other  
16       than a mental or physical illness; or  
17       (2) One year for a license surrendered for a mental or physical illness."

18                               ADVISEMENT AND WAIVERS

19       6       Respondent has carefully read and understands Stipulated Settlement  
20       and Disciplinary Order No. 2012-240, Respondent has carefully read, and understands the  
21       effects of this Stipulated Surrender of License and Order and understands that this Stipulated  
22       Surrender, if accepted by the Board, is considered as formal discipline of her license.

23       7.       Respondent understands that by signing this stipulation she enables  
24       the Board to accept the surrender of his Registered Nurse License without further process.  
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1           13.       Respondent shall lose all rights and privileges as a Registered Nurse, as  
2 of the effective date of the Board's Decision and Order.

3           14.       Respondent shall cause to be delivered to the Board both her pocket  
4 license and wall certificate, if one was issued, on or before the effective date of the Decision  
5 and Order.

6           15.       Respondent fully understands and agrees that if she ever files an application for  
7 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a  
8 petition for reinstatement. Respondent must comply with all the laws, regulations and  
9 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all  
10 of the charges and allegations contained in Accusation No. 2012-240 shall be deemed to be true,  
11 correct and admitted by Respondent when the Board determines whether to grant or deny the  
12 petition.

13           16.       Upon reinstatement of the license by the Board, Respondent shall pay to  
14 the Board costs associated with its investigation and enforcement pursuant to Business and  
15 Professions Code section 125.3 in the amount of \$4995.25 which is the amount currently  
16 owed pursuant to Stipulated Settlement and Disciplinary Order No. 2012-240 (Exhibit A). If  
17 the reinstatement of Respondent's license is granted, Respondent shall be permitted to pay  
18 these costs in a payment plan approved by the Board.

19           17.       Respondent shall not apply for licensure or petition for reinstatement for  
20 2 year from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 2-11-13



LANETTE BOOK BURKE,  
aka LANETTE ELAINE SCHWEIZER  
aka LANETTE ELAINE BAUER  
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully accepted by Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer for the Board of Registered Nursing.

DATED: FEBRUARY 21, 2013



Louise R. Bailey, M.Ed., R.N.  
Executive Officer

BOARD OF REGISTERED NURSING

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**EXHIBIT "A"**

Stipulated Settlement and Disciplinary Order No. 2012-240

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**LANETTE BOOK BURKE**  
**aka LANETTE ELAINE SCHWEIZER**  
**aka LANETTE ELAINE BAUER**  
**25157 Howard Drive**  
**Hemet, CA 92544**

**Registered Nurse License No. 148400**

Respondent

Case No. 2012- 240

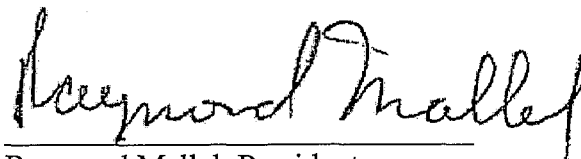
OAH No. 2011110406

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 4, 2013.**

IT IS SO ORDERED **December 5, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California



1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 ANTOINETTE B. CINCOTTA  
Deputy Attorney General  
4 State Bar No. 120482  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2095  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **LANETTE BOOK BURKE,**  
13 **AKA LANETTE ELAINE SCHWEIZER,**  
14 **AKA LANETTE ELAINE BAUER**  
**25157 Howard Drive**  
**Hemet, CA 92544**

15 **Registered Nurse License No. 148400**

16 Respondent.  
17

Case No. 2012-240

OAH No. 2011110406

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
22 Board of Registered Nursing (Board). She brought this action solely in her official capacity and  
23 is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Antoinette B. Cincotta, Deputy Attorney General.

25 2. Respondent Lanette Book Burke, aka Lanette Elaine Schweizer, aka Lanette Elaine  
26 Bauer (Respondent) is representing herself in this proceeding and has chosen not to exercise her  
27 right to be represented by counsel.

28 ///

3. On or about October 30, 1963, the Board issued Registered Nurse License No. 148400 to Lanette Book Burke, aka Lanette Elaine Schweizer, aka Lanette Elaine Bauer (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-240 and will expire on November 30, 2013, unless renewed.

## JURISDICTION

4. Accusation No. 2012-240 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 19, 2011. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2012-240 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-240. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-240.

10. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 148400 issued to Lanette Book Burke, aka Lanette Elaine Schweizer, aka Lanette Elaine Bauer is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

1           4.    **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
2 practice as a registered nurse outside of California shall not apply toward a reduction of this  
3 probation time period. Respondent's probation is tolled, if and when she resides outside of  
4 California. Respondent must provide written notice to the Board within 15 days of any change of  
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
6 returning to practice in this state.

7           Respondent shall provide a list of all states and territories where she has ever been licensed  
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
9 information regarding the status of each license and any changes in such license status during the  
10 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
11 license during the term of probation.

12           5.    **Submit Written Reports.** Respondent, during the period of probation, shall submit  
13 or cause to be submitted such written reports/declarations and verification of actions under  
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
16 Respondent shall immediately execute all release of information forms as may be required by the  
17 Board or its representatives.

18           Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
19 state and territory in which she has a registered nurse license.

20           6.    **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
22 6 consecutive months or as determined by the Board.

23           For purposes of compliance with the section, "engage in the practice of registered nursing"  
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
25 non-direct patient care position that requires licensure as a registered nurse.

26           The Board may require that advanced practice nurses engage in advanced practice nursing  
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

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1 If Respondent has not complied with this condition during the probationary term, and  
2 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
4 extension of Respondent's probation period up to one year without further hearing in order to  
5 comply with this condition. During the one year extension, all original conditions of probation  
6 shall apply.

7 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
8 prior approval from the Board before commencing or continuing any employment, paid or  
9 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
10 performance evaluations and other employment related reports as a registered nurse upon request  
11 of the Board.

12 Respondent shall provide a copy of this Decision to her employer and immediate  
13 supervisors prior to commencement of any nursing or other health care related employment.

14 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
15 (72) hours after she obtains any nursing or other health care related employment. Respondent  
16 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
17 separated, regardless of cause, from any nursing, or other health care related employment with a  
18 full explanation of the circumstances surrounding the termination or separation.

19 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
20 Respondent's level of supervision and/or collaboration before commencing or continuing any  
21 employment as a registered nurse, or education and training that includes patient care.

22 Respondent shall practice only under the direct supervision of a registered nurse in good  
23 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
24 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
25 approved.

26 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
27 following:

28 ///

1 (a) Maximum - The individual providing supervision and/or collaboration is present in  
2 the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
4 care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
6 person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health care  
8 setting, the individual providing supervision and/or collaboration shall have person-to-person  
9 communication with Respondent as required by the Board each work day. Respondent shall  
10 maintain telephone or other telecommunication contact with the individual providing supervision  
11 and/or collaboration as required by the Board during each work day. The individual providing  
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
13 patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
15 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
16 or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
18 registered nursing supervision and other protections for home visits have been approved by the  
19 Board. Respondent shall not work in any other registered nursing occupation where home visits  
20 are required.

21 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
23 and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing or as an  
25 instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined  
27 worksite(s) and shall not work in a float capacity.

28 ///

1 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
2 request documentation to determine whether there should be restrictions on the hours of work.

3 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
4 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
5 months prior to the end of her probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
8 above required course(s). The Board shall return the original documents to Respondent after  
9 photocopying them for its records.

10 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
12 amount of \$4,995.25. Respondent shall be permitted to pay these costs in a payment plan  
13 approved by the Board, with payments to be completed no later than three months prior to the end  
14 of the probation term.

15 If Respondent has not complied with this condition during the probationary term, and  
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
18 extension of Respondent's probation period up to one year without further hearing in order to  
19 comply with this condition. During the one year extension, all original conditions of probation  
20 will apply.

21 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the  
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

24 If during the period of probation, an accusation or petition to revoke probation has been  
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
26 an accusation or petition to revoke probation against Respondent's license, the probationary  
27 period shall automatically be extended and shall not expire until the accusation or petition has  
28 been acted upon by the Board.



13. **License Surrender.** During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

14. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

## ACCEPTANCE

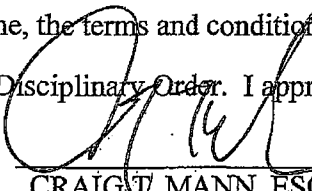
I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 8-27-2012

*LANETTE BOOK BURKE*  
LANETTE BOOK BURKE,  
AKA LANETTE ELAINE SCHWEIZER,  
AKA LANETTE ELAINE BAUER  
Respondent

1 I have read and fully discussed with Respondent Lanette Book Burke, aka Lanette Elaine  
2 Schweizer, aka Lanette Elain Bauerthe, the terms and conditions and other matters contained in  
3 the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4 DATED: 8/28/12

  
CRAIG T. MANN, ESQ.  
*Attorney for Respondent*

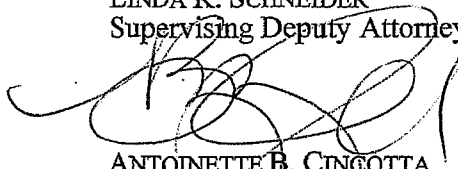
6 ENDORSEMENT

7 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
8 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
9 Affairs.

10 Dated: 9/4/2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

  
ANTOINETTE B. CINCOTTA  
Deputy Attorney General  
*Attorneys for Complainant*

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20 70567766.docx

**Exhibit A**

**Accusation No. 2012-240**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 KAREN L. GORDON  
Deputy Attorney General  
4 State Bar No. 137969  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2073  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-240**

12 **LANETTE BOOK BURKE, AKA**  
13 **LANETTE ELAINE SCHWEIZER, AKA**  
14 **LANETTE ELAINE BAUER**  
**25157 Howard Drive**  
**Hemet, CA 92544**

**A C C U S A T I O N**

15 **Registered Nurse License No. 148400**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about October 30, 1963, the Board of Registered Nursing issued Registered  
24 Nurse License Number 148400 to Lanette Book Burke, aka Lanette Elaine Schweizer, aka  
25 Lanette Elaine Bauer (Respondent). The Registered Nurse License was in full force and effect at  
26 all times relevant to the charges brought herein and will expire on November 30, 2011, unless  
27 renewed.

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1 5. California Code of Regulations, title 16, section 1443 states:

2 As used in Section 2761 of the code, "incompetence" means the lack of  
3 possession of or the failure to exercise that degree of learning, skill, care, and  
4 experience ordinarily possessed and exercised by a competent registered nurse as  
described in Section 1443.5.

5 6. California Code of Regulations, title 16, section 1443.5 states:

6 A registered nurse shall be considered to be competent when he/she  
7 consistently demonstrates the ability to transfer scientific knowledge from social,  
biological and physical sciences in applying the nursing process, as follows:

8 (1) Formulates a nursing diagnosis through observation of the client's  
9 physical condition and behavior, and through interpretation of information obtained  
from the client and others, including the health team.

10 (2) Formulates a care plan, in collaboration with the client, which  
11 ensures that direct and indirect nursing care services provide for the client's safety,  
comfort, hygiene, and protection, and for disease prevention and restorative measures.

12 (3) Performs skills essential to the kind of nursing action to be taken,  
13 explains the health treatment to the client and family and teaches the client and family  
how to care for the client's health needs.

14 (4) Delegates tasks to subordinates based on the legal scopes of practice  
15 of the subordinates and on the preparation and capability needed in the tasks to be  
delegated, and effectively supervises nursing care being given by subordinates.

16 (5) Evaluates the effectiveness of the care plan through observation of  
17 the client's physical condition and behavior, signs and symptoms of illness, and  
reactions to treatment and through communication with the client and health team  
18 members, and modifies the plan as needed.

19 (6) Acts as the client's advocate, as circumstances require, by initiating  
20 action to improve health care or to change decisions or activities which are against the  
interests or wishes of the client, and by giving the client the opportunity to make  
informed decisions about health care before it is provided.

21 **COST RECOVERY**

22 7. Section 125.3 of the Code provides, in pertinent part, that the  
23 Board/Registrar/Director may request the administrative law judge to direct a licensee found to  
24 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
25 reasonable costs of the investigation and enforcement of the case.

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**FACTS**

8. Respondent worked as a registered nurse at Hemet Valley Healthcare Center (HVHC), a skilled nursing facility, from approximately 1997 until on or about September 27, 2007.

9. On or about September 13, 2007, patient OB, an 81 year old female, was admitted to HVHC for short-term rehabilitation for colitis after being discharged from a general acute care hospital. OB was admitted to HVHC with a diagnosis of pulmonary embolus, deep vein thrombosis, weakness, and colitis.

10. OB required extensive assistance for functional mobility and gait training, which included bathing, toileting, dressing, personal hygiene, transfers, positions, and locomotion.

11. On admission to HVHC, OB was alert, and oriented to person, place, and time, and was able to make her needs known. The admission orders for OB dated September 13, 2007 included Coumadin 4 mg daily and Lovenox 55 mg subcutaneous injection every 12 hours for five days. Coumadin and Lovenox are blood thinners.

12. On or about September 14, 2007, OB received an extra dose of 2 mg Coumadin.

13. On or about September 14, 2007, OB told her son, JB, during a visit, that she had fallen backward and hit her head on a bed rail during a physical therapy session injuring her head at approximately 2:30 pm that day. JB questioned the staff to see if they were aware of the incident and they were not.

14. On or about September 14, 2007, JB notified PR, an LVN, of OB's head injury. PR performed an assessment by checking OB's head for a bump, redness, or swelling. PR did not perform a neurological check.

15. PR informed Respondent of OB's head injury. At the end of the shift at approximately 11:00 pm, when PR was completing his documentation in OB's chart, PR asked Respondent if she had notified the physician of OB's head injury. Respondent stated that she had notified the physician of OB's head injury.

16. In fact, Respondent failed to conduct an assessment of OB and failed to notify the attending physician that OB had sustained a head injury.

1        17. Nurse's notes, indicate that on September 15, 2007 at 2:00 pm, OB's blood pressure  
2 was 85/57 and OB was put in the Trendelenberg position (supine with the feet higher than the  
3 head.) The normal range of blood pressure is 120-140 over 60-90. There was no documentation  
4 that the physician was notified that OB had sustained a head injury or that OB had a decrease in  
5 blood pressure. At 11:00 pm, OB's blood pressure was 86/60 and her pulse was 91. The normal  
6 pulse range would be 78-82 per minute in women. There was no documentation that the  
7 physician was informed about OB's head injury, decrease in blood pressure, or increase in pulse.

8        18. Nurse's notes indicate that on September 16, 2007 at 12:30 am, OB was unable to be  
9 awakened and was non-responsive to verbal and tactile stimuli. The physician and 911 were  
10 contacted. At 12:42 am, OB was transported to a general acute care hospital.

11        19. A brain CT scan was performed and OB was intubated and put on life support with a  
12 diagnosis of acute subdural bleed and respiratory failure.

13        20. On or about September 16, 2007 at approximately 4:30 am, OB was transferred to  
14 another hospital due to the need for a higher level of care.

15        21. OB died on or about September 16, 2007 at approximately 3:45 pm. OB's death  
16 certificate revealed the cause of death as intracerebral hemorrhage and pulmonary embolism,  
17 etiology unknown.

18        22. On or about September 27, 2007, Respondent was terminated from her employment  
19 with HVHC. The reasons for termination were failure to assess OB and failure to notify the  
20 physician following OB's head injury.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 23. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),  
4 on the grounds of gross negligence, as defined by California Code of Regulations, title 16, section  
5 1442, in that she repeatedly failed to provide nursing care as required or failed to provide care or  
6 to exercise ordinary precaution in a single situation which she knew, or should have known, could  
7 have jeopardized the client's health or life, in that on or about September 14 and September 15,  
8 2007, while employed as a registered nurse, Respondent failed to conduct an assessment of OB  
9 and failed to notify the attending physician that OB sustained a head injury and experienced  
10 changes in vital signs, as is more fully described in paragraphs 9 - 22, above.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Incompetence)**

13 24. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),  
14 on the grounds of incompetence as defined by California Code of Regulations, title 16, section  
15 1443, in that on or about September 14 and September 15, 2007, while employed as a registered  
16 nurse, Respondent failed to conduct an assessment of OB and failed to notify the attending  
17 physician that OB sustained a head injury and experienced changes in vital signs, as is more fully  
18 described in paragraphs 9 - 22, above.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
21 and that following the hearing, the Board of Registered Nursing issue a decision:

- 22 1. Revoking or suspending Registered Nurse License Number 148400, issued to Lanette  
23 Book Burke, aka Lanette Elaine Schweizer, aka Lanette Elaine Bauer; .  
24 2. Ordering Lanette Book Burke to pay the Board of Registered Nursing the reasonable  
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
26 Code section 125.3;

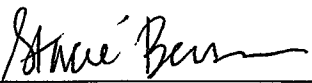
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3. Taking such other and further action as deemed necessary and proper.

DATED: October 19, 2011

  
for LOUISE R. BAILEY, M.Ed., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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